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Subject: ACTION: RA Update 8/5/21
Attachments: RA Update Draft 08-05-jm.docx; Unused_08-05.docx

Importance: High

R6 Weekly Update August 5, 2021

- **Section 1: N/A**
- **Section 2: Regional Administrator Signature Items**
 - **Cherokee Nation's Air Grant Match-Waiver Request:** By August 5, Region 6 expects to approve the grant requirement waiver requested by Cherokee Nation. Cherokee Nation is required to match its new CAA Section 105 grant with 5% of its own funds and asks to reduce the matching funds to 0% for the initial year.
 - **NESHAP Parts 61 and 63 Delegation, Oklahoma:** By mid-August, R6 expects to propose approval of updated delegation of Part 61 and Part 63 NESHAP standards adopted by the Oklahoma Department of Environmental Quality (ODEQ) between September 2016 and June 2019. The approval would update the existing delegation of the NESHAP standards. ODEQ formally requested that EPA approve its updated delegation through submittals dated December 23, 2019, and March 23, 2021.
 - **Solid Waste Incineration Plan, Texas:** By August 13, R6 expects to approve a proposal to approve in part the CAA section 111(d) state plan for incinerators subject to the Other Solid Waste Incineration units (OSWI) emission guidelines in Texas and amend the CFR in accordance with CAA requirements.
 - **SIP Update, Oklahoma:** By August 18, R6 expects to propose approval of revisions to the Oklahoma SIP submitted on May 15, 2020, and February 9, 2021, to update the general SIP definitions and incorporation by reference provisions. Region 6 is proposing approval because these revisions are consistent with federal requirements and ensure the Oklahoma SIP incorporates current federal requirements.
 - **Grambling State University, Louisiana:** R6 expects to sign a Memorandum of Understanding (MOU) with Grambling State University (GSU) in Louisiana and HQ Office of Enforcement and Compliance Assurance to formalize a partnership and enhance collaboration between EPA and GSU. Under the MOU, EPA and GSU intend to work collectively to progress efforts focusing on preparing students to enter and compete in the federal workforce, providing expertise to review and enhance curriculums, and participating on research efforts to promote environmental awareness.
- **Section 3: Hot Topics**
 - **Major policy, regulatory, compliance, or enforcement activities**

Ex. 5 AC / Ex. 7(A)

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- **Globe-Union Site, Garland, Texas:** On August 5, R6 hosted a virtual community meeting about the Globe Union site. R6 answered questions on the overall sampling strategy, chemicals sampled for, soil sampling depths, data results and anticipated timeline of R6 actions. R6 is coordinating with the Garland Independent School District and the Garland Health Department on next steps for the Removal Action.
- **San Jacinto River Waste Pits Superfund Site, Harris County, Texas:** On August 4, the unilateral administrative order for the construction of the remedy for the southern impoundment at the San Jacinto site was signed by R6. On May 7, R6 approved the Remedial Design. The remedial action is anticipated to begin in the fall of 2022 at the earliest to allow for equipment and personnel procurement and avoid safety issues related to hurricane season.
- **NEIC Air Monitoring, Mossville, Louisiana:** On August 4, R6 representatives from Air, and Environmental Justice met with the Concerned Citizens of Mossville (CCOM) to discuss the results of the air monitoring results conducted by the National Enforcement Investigations Center (NEIC) in the Mossville area using the Geospatial Measurement of Air Pollution (GMAP) mobile air monitoring unit. NEIC conducted the community air monitoring on April 25. CCOM has shared several concerns about

the study with EPA and requested the meeting so that it could further understand the results of the survey.

- **Sentinel Midstream Texas GulfLink (TXGL), Offshore of Freeport, Texas:** Public notice is anticipated for mid-August on the draft 112(g), PSD and Title V permits for TXGL's proposed crude oil export deep water port (DWP) approximately 28 miles offshore of Freeport, Texas.
- **Cannon and Holloman Air Force Bases, New Mexico:** R6 has reviewed and provided comments on a draft response prepared by HQ for the July 23 letter from New Mexico Environment Department Secretary Kenney to Administrator Regan requesting EPA assistance on addressing PFAS concerns at Cannon and Holloman Air Force Bases in New Mexico. The draft letter will next go to HQ senior leadership for review, and after any revisions, will be signed by Larry Starfield, Acting Assistant Administrator.
- **Los Alamos Tritium Venting Project, Los Alamos National Laboratory, New Mexico:** On August 4, R6 met virtually with DOE to discuss the status of the proposed Los Alamos National Laboratory (LANL) project, which includes venting of headspace gas from four flanged Tritium Waste Containers. The venting portion of the project has been a concern expressed by Tribes including the non-accord Tribes. The Region's discussion with LANL included its RCRA authorization request pending New Mexico Environment Department review, LANL's internal safety assessment, tribal concerns, and tribal outreach efforts going forward.
- **Union Pacific Railroad (UPRR), Houston, Texas:** HQ is still in the process of finalizing responses to Congresswoman Sheila Jackson Lee's letter dated April 1, 2021, and Mayor Turner's letter dated June 25, 2021. R6 has reviewed the most recent version of a draft letter to UPRR requesting that it answer the questions raised by Mayor Turner in his letter to the Administrator. The Texas Commission on Environmental Quality (TCEQ) is accepting comments on the draft UPRR permit until August 30; however, TCEQ has indicated that it is planning a second public meeting to be held in person likely in September in which case the public comment period will be extended. The date for the public meeting has not yet been set. In addition, EPA HQ is considering a second technical assistance presentation to the community in advance of the second public meeting but is still working with the community to determine if there is a need for another presentation. R6 is preparing draft comments on the permit and met with HQ ORCR staff and EJ staff on August 5 to discuss if there are additional comments that they feel should be included.
- **Allied BioScience, Plano, Texas:** On July 8, R6 issued a Stop Sale, Use and Removal Order to Allied Bioscience for its SurfaceWise 2 product in conjunction with OPP revoking its Section 18 emergency exemptions. R6 held a call with the company on July 28, during which the company's attorneys asked whether the company's exports of the unregistered pesticide could continue. R6 responded that the exports could not continue without written permission from EPA, and that R6 is working to evaluate whether the previous exports made were lawful exports. R6 requested Allied BioScience submit documentation supporting its claim of lawful exportation of an unregistered pesticide to the international customers. Additionally, R6 requested Allied BioScience submit annual production records for the years 2020 and 2021 and the contractual agreements Allied BioScience has with its manufacturers and customers exporting the product as an unregistered pesticide. Ex. 5 AC / Ex. 7(A)

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- **Churchill Downs Race Track, New Orleans, Louisiana:** R6 expects that the Motion to Enter the Consent Decree will be filed by September 30. DOJ hopes to have the Motion in concurrence for its management's approval by September 1. The Consent Decree was lodged on September 28, 2020. The

Sewerage and Water Board of New Orleans submitted comments during the public comment period which delayed matters. The CD requires Churchill to construct horse wash stations; the Board claimed that this discharge from the horse wash stations would exceed the Board's capacity in the sewer lines. EPA, DOJ and Churchill worked to address the Board's concerns and in June 2021, the Board withdrew its public comments.

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- **Petition from WildEarth Guardians, New Mexico:** On March 2, WildEarth Guardians petitioned EPA under Section 553(e) of the Administrative Procedure Act. Of multiple requests, one asked EPA to find the state's federally approved SIP is failing to protect the NAAQS under the CAA and asked EPA to initiate a SIP call to correct the deficiency. In order to evaluate and respond to the Petition request, R6 informally requested information and permitting documents from the New Mexico Environment Department (NMED) on May 5. NMED has not provided the necessary information. R6 is working with the NMED Air Quality Bureau Director to determine a date that NMED can submit information for review.
- **National Energy Advisory Team:** On August 2, Region 6 hosted the National Energy Advisory Team biweekly meeting, which included sharing upcoming Oil and Gas and other energy related meetings and a discussion on O&G outreach and general communication with industry and state regulators. The next meeting is scheduled for August 16. Standing topics include regulation development regarding methane controls in the O&G sector as well as continued development of the EPA and IOGCC Taskforce meeting agenda.
- **Ouachita River Valley Association, West Monroe, Louisiana:** On August 13, per the request of the Ouachita Parish Engineer, the Ouachita River Valley Association (ORVA), in West Monroe, Louisiana, EPA's Dr. Richard Fulford will present on the EPA Office of Research and Development (ORD)/Region 6 research report, "A Deeper Look at the Ouachita River, How Investment in Ouachita River Infrastructure Sustains Human Well-Being in Ouachita Parish, Louisiana." Dr. Fulford is the lead author. ORVA is interested in the report helping demonstrate the value of the river for the community and adding to the University of Louisiana at Monroe economics' study about the river. The report can be read at: https://cfpub.epa.gov/si/si_public_record_Report.cfm?dirEntryId=350855&Lab=CEMM. The meeting is with state legislators and senators as well as staff from U.S. congressional delegations. The meeting will be advertised via the Monroe paper and on radio. Reporters are expected.
- **Dicamba Drift, Arkansas:** On July 30, R6 and OPP met with the Arkansas Department of Agriculture (ADA) to discuss the complaints being reported in Arkansas. Issues shared include the following. Currently ~650,000 acres have been impacted and this will most likely end up greater once the state has a chance to review a complaint file at a wildlife refuge. Additionally, Arkansas has ~3,000,000 acres of soy planted this year. The ratio of dicamba tolerant to non-dicamba tolerant soy is ~70% to 30% in the state (2.1 million to 0.9 million). About 70% of the 0.9 million has been affected (~630,000 acres of non-dicamba tolerant soybeans have been affected). Arkansas has a large inspection team but based on

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The past few years, the cut-off date in Arkansas was May 25 for dicamba on soybeans. This year, the State Plant Board set it for June 30, which is consistent with the federal label for applications on dicamba-tolerant soybeans. In reaching out to other states, an increase has been noted in several other states in Region 5 and Region 7. Other states in Region 6 have not reported an increase in complaints.

- **Vertac Superfund Site, Jacksonville, Arkansas:** On August 24, R6 will meet with the Arkansas Department of Energy and Environment (ADE&E) concerning the dioxin reassessment of off-site (residential) soil at the Vertac site. The reassessment of off-site soil was necessitated by the release of the Reference Dose (RfD) for dioxin. The Record of Decision (ROD) dioxin cleanup level for off-site soil is 1 part per billion (or 1,000 parts per trillion (ppt)) and the new residential screening level for dioxin is 51 ppt. The ADE&E and R6 have agreed to work cooperatively and collaboratively to develop a sampling and communication strategy that is acceptable to the Mayor of Jacksonville and to have a unified approach with the City of Jacksonville.
- **Major events, emergencies/incidents, or meetings**
 - **River City Metal Finishing Superfund Site, Happy, Texas:** On August 10, R6 will hold a virtual community meeting on the Proposed Plan for the River City Metal Finishing site. The public comment period on the plan will be from August 1 through August 31.
 - **2021 EPA Region 6 Stormwater Conference, New Orleans, Louisiana:** R6's annual Stormwater Conference will be held August 10-12 at the Hyatt Regency New Orleans (a portion of the conference will be held virtually). In addition to sessions in stormwater management, the conference will offer basic training on stormwater management and a certification program for inspectors in sediment and erosion control.
 - **Ethylene Oxide Facilities in Texas and Louisiana:** Region 6 will host virtual community meetings to educate and inform residents of human hazards associated with ethylene oxide (EtO) emissions from facilities in or near their communities. The Region will discuss the uses of ethylene oxide, the technical assessments of updated emissions, and the calculated health risk associated with those emissions. The presentations will be followed by question and answer sessions for the attendees. Meetings for the following facilities are currently scheduled:
 - Eastman Chemicals (Longview, Texas) on August 10,
 - Taminco (St. Gabriel, Louisiana) on August 12,
 - Indorama (Port Neches, Texas) on August 17,
 - Union Carbide (Hahnville, Louisiana) on August 19,
 - Evonik (Reserve, Louisiana) on August 24,
 - Shell Technology (Houston, Texas) on August 26, and
 - Sasol Chemicals (Westlake, Louisiana) on August 31.

- **Section 4: N/A**